1943 **K** **File No.** O. Essential Services | 43

Legal Dept.

A. **BRANCH**

SM 10/7

Subject:— Opinions under the Essential services (Maintenance) ordinance 1941

P.2 E

File No. O. Essential Services / 43

Gen. 184 a.

386—A

C O N T E N T S.

Legal Department Vol.No. 0 Essential Services /1943.

S.No.	Comp. No.	Subject	Pages.
		Opinions under the Essential Services(Maintenance) Ordinance 1941.	
	0.Essential Services 41 to 42.	Files not opened.	
	0.Essential Services 43.	Questions 1) Whether the Essential Services(Maintenance) Ordinance 1941, applies to A.R.P.Drivers; 2) If so, whether such a driver can be prosecuted under sec 5 of the ordinance	3-4.
1.	0.No.5172/29-7-43.		

Office of the R.L.A.

The questions for the consideration the R.L.A. are:-

(1) Whether the Essential Services (Maintenance) Ordinance, 1941, applies to A.R.P. drivers;

(2) If so, whether such a driver can be prosecuted under section 5 of the Ordinance during a non-emergency period.

2. Under rule 5 of the Bombay Air Raid Precautions Service Rules the transport service which includes A.R.P. drivers forms part of the A.R.P. Service constituted by Government under section 3 of the A.R.P. Ordinance, 1941. All paid A.R.P. drivers are Crown servants (see R.L.A.'s opinion No. 7997, dated 2nd October 1942). Consequently the Essential Service (Maintenance) Ordinance, 1941, applies to such drivers (see section 3 of the Ordinance). Prosecution for offenders under the Ordinance is not limited to those breaches of the provisions thereof which occur during an emergency only. Section 5 is a general provision applicable both to those in employment under the Crown and those whose employment has been declared under section 3 and applicable so long as the Ordinance remains in force. Consequently a paid A.R.P. driver can be proseduted under the Essential Service (Maintenance) Ordinance, 1941, even during a non-emergency period.

Sd./- P.N.M.
27/7/
Remembrancer of Legal Affairs.

U.R. to G.D.(Spl.) A.R.P., No. 5172, &
dated the 29th July 1943.

SVV
2.8.56.
4 c.